THE COURTS.

Important Question as to Receiverships and the Right to Sue by a Foreign Corporation-A Case in Admiralty-Interesting Question in Bankruptey - An Old and Queer Case Reaching a Finelity-After the Telegraphers-Business in the Court of General Sessions.

UNITED STATES CIRCUIT COURT.

Important Question as to Receiverships and the Right to Sue by a Foreign Corporation. Before Judge Blatchford.

The Manufacturers' National Bank of Chicago ve thoard Banch and Edward Baach, Jr .- The bill in this case describes the plaintiffs as the Manufacsqrers' National Bank of Chicago, Illinois, a banking corporation incorporated and existing under an act of Congress of the United States, and having capacity to sue under the above title the same as a sutzen of the State of llinois, doing business in Chango, in that State. The detendants are citizens of the State of New York. The plaintiffs moved for the appointment of a receiver in the case and au injunction. The citizenship of the defendants was not denied and the question was whether the court has jurisdiction of the suit. Under the decision in the case of Osborn vs. The Bank of the United States within the case of the Wheaten, 735), such a suit is a case arising under a law of the United States within the meaning of the constitution, the bank being incorporated by a law of the United States, and it is composent for Congress to confer jurisdiction over it in the federal courts. After a lengthened opinion the Judge holds that the averments of the bull are sufficient to show that the court has jurisdiction of this suit, and that the plaintings are entitled to the receivership and highretion saked for in their bill. ot of Congress of the United States, and having

Before Judge Woodraff. Eliza Wells, Administratrix, &c., vs. Henry H. Janques, et al. - Verdict of jury for the plaintiff in the sum of \$7,500.

UNITED STATES DISTRICT COURT-IN ADMIRALTY.

Important Collision Case.

Before Judge Blatchford. William Ices et al. vs. The Steamship Ham nonia.-This was an action to recover about the um of \$12,000 for the loss of a bark, of which the clants were owners. The bark, it was alleged, came into conision with the Hammonia, one of the German line of steamers, at sea, in a fog. The bark was almost cut in two, and she sauk immediately. The lookout man on the bark, who was blowing a fog horn, was loet. It was contended on the part of the libellants that the steamer was going in the fog at her usual rate of speed. This was denied by the orew of the steamer. Congact for the Hammonia maintained that it was negligence on the part of the bark's look out to blow the log horn at all, that it was nice that the contend of the bark's look out to blow the log horn at all, that it was his duty to conten thusel exclusively following out, and that a short time before the collision the captain of the bark had been reading a newspaper. The evidence on both sides having closed, counset for the respective parties summed up. Decision reserved. came into conision with the Hammonia, one of the

UNITED STATES DISTRICT COURT-IN BANKRUPTCY. Can the Relative of a Bankrupt Be an Asstonce of the Bankrupt's Estate. Before Judge Blatchford.

In the Matter of William O. Zim, Herman D. Udrich, Jr., John H. Bradley, Thomas Darling and John L. Aldrich, comprising the firm of Zim. Attrich & Co., Bankrupis. - This is a voluntary pro ceeding in bankruptcy, the parties being adjudged ankrupts on their own petition as a firm and individually. The number of creditors representing firm and individual debis is about sixty. A question firm and individual debts is about sixty. A question was certified to the Judge by Register Fitch to the effect that the proceedings had on the return day of the warrant was not in compliance with the law or practice of the Court; that he assignee was chosen or voted for, and that one John H. Wyman is ineligible as trustee of the estaré, on account of relationship with one or more of the bankrupts; and that George C. F. Seaman is meligible as one of the committee of creditors, on the ground that he is not a resident of the Southern district of New York. In view of these facts the Register appointed Mr. John Sedgwick as assignee. Judge Batchford, in disposing of the question presented to him by the Register, approves of the appointment of Mr. Sedgwick as assignee, and states that that gentlemen will take such steps as shall seem proper in view of the facts set forth in the certificate.

SUPREME COURT-TRIAL TERM.

An Old and Queer Case Reaching a Figuilty. Before Judge Van Brunt.

Sampson et al., Executors of John H. Ralderin. ce. Cectita F. Wood.—This case came up yesterday for trial. The facts have been so frequently published that it is unnecessary to give them in detail. The defendant, it will be remembered, hved with John H. Baldwin, and, on his decease, claimed to be his widow, and, at the same time, set up a claim on a After his death a letter was found directed to his exocutors telling them not to pay her anything from his
catate if they could help it. The directors, however,
had no easy matter in setting with her, but gave
her quite a sum of money and allowed her to retain
the furniture of the house; but before doing this
got a release from her of all further right in the
estate through right of dower or otherwise. Subsequently she renewed her claims 24 to being the
widow, and set up that the release papers she signed
were signed while under the induence of ordum and
without her free will and knowledge and under the
surong entreaties of her counsel, whom she supposed
to be her friend, but afterwards discovered, as she
alloged, to be in complicity with the plaintiffs. The
suit brought by the plaintiffs to enjoin her from
making further claims on the estate has been repeatedly before the courts. The main issues were
whether she did not know the purport of the release
papers when she signed them. She failed to appear
yesterday when the case was called. The plaintiffs
proved the issues and their action on them, and the
jury found accordingly on each of the issues. The
case will now go to the General Term. After his death a letter was found directed to his ex-

SUPERIOR COURT-TRIAL TERM.

Penalty of Pushing a Woman Down Stairs. Before Judge Freedman.

Henrietta McArthur vs. Peter Cassidy .- The defendant was charged with throwing plaintiff down a flight of stairs in November, 1868, at the tenement use No. 311 East Thirty-eighth street, he being th landlord and she a tenant. She claimed \$25,000 damages. There was considerable evidence taken, much of which was quite conflicting. A difficulty occurred in a dispute about a stove, and, though she was enclosed at the time, he pushed her down stairs. The jury brought in a vertice of \$5,000 damages.

SUPERIOR COUNT-GENERAL TERM.

The Late David R. Floyd-Jones. Before Judges Monell, Jones and Spencer. The Court was informed by Mr. Henry Nichol of the recent decease of the Hon. David R. Floyd-Jones and a brief eulogy pronounced upon the deceased Having graduated at Union College, and having studied law, he commenced its practice in this city; was then repeatedly elected a member of the Assembly, and from 1844 to 1847 was a member of the Senate. For some years he was a cierk of this court. He was a member of the Convention of this State in 1866. Retiring to his native place in the country, he was afterwards a member of the Assembly from Queens county. In 1869 and 1861 he was Secretary of State, and in 1865 and 1865 Lieutenant Governor of the State.

Distinguished in all his public offices for courtesy of manner, for integrity of conduct and for the able and faithful performance of his duther, this entry of record in remembrance of his duther, this entry of record in remembrance of bim is one alike to the character of the man and the court in which he long filled an important place.

Judge Monell followed in a few remarks, in like manner complimentary of the deceased, and the pourt thereapon, out of respect to the memory of the deceased, adjourned. Amembly, and from 1844 to 1847 was a member of

MARINE COURT-PART 2

After the Telegraphers-Action for Damages Arising from the Non-Transmission of n Telegram. Before Judge Gross.

J. B. Chichester vs. The Western Union Telegraph Company .- This action was brought to recover the sum of \$450 for neglecting to transmit a despatch. It appeared that the plaintiff, while in Franklin, Pa., entered into a conditional arrangement with the president of the gas company of that town to render some services for the company as gas engineer. The plaintiff returned to New York and awaited a reply from the president of the company as to from the president of the company as to whether he had entertained a favorable view of his (the plaintiffs) propositions. After some time had transpired a despatch was sent by the president of the gas company to the plaintiff through the Western Union Telegraph Company, to the effect that he had entertained the plaintiff's proposition and offered him an engagement at \$800 a month. The plaintiff on receipt of the despatch wrote on the back of the despatch a reply accepting the engagement of the general and and it to the measurement of the telegraph company with a strice injunction to have it forwarded humediately. On the following morning the plaintiff called at the office of the company and inquired if the despatch was transmitted, when the operator informed

him that it was, and had reached its destination. The plaintin having full confidence in this representation, awaited some further necessary instructions from the company, but, having received no reply, he telegraphed again—telegraphed through autother branch of the Western Union Telegraph Company, in answer to which he received a letter from the president of the compan, stating he had received no message from him, and, consequently, had made an engagement with another purty to fill the position which was offered the plaintiff. The present suit was brought to recover two months' salary and extra expenses, the amount he claims he would have received but for the negligence of the telegraph company.

The defence set up was, first, that the plaintiff had not paid for the message, and, second, that he had not compiled with the bylaws of the company, which are that all despatches sent for transmission shall be written on the printed forms of the company.

shail be written on the printed forms of the com-pany.

The Court charged that the message, which was the ground of action, was written on paper sent from the defendant's office, and that it was for the jury to say whether the plaintiff observed the seve-ral conditions of the company which were printed on the paper; that had he noticed the conditions when he wrote the message be could not recover. Verdict for piaintiff in the sum of \$400.

COURT OF GENERAL SESSIONS.

Before Gunning S. Bedford, City Judge. A DESERTER FROM THE ARMY ROBS A QUEST AT A HOTEL—JUDGE EEDFORD BOUND TO PROTECT HOTEL PROPERTORS.

There was an important conviction obtained yes terday in this court, a man named Michael Cunningham, alias Brown, having been tried, and found guilty of stealing a gold watch and chain and three coats on Caristmas Day from a room in Smith & McNell's Hotel, No. 199 Washington street. The property belonged to Mr. John C. Kalser, who was a gues of this establishment, and stated that he valued the watch and chain at \$100 and the clothing at \$88. From information which he received the complainant, accompanied by the clerk of the hotel and a detective, proceeded to the residence of Mr. Coombs,

From information which he received the complainant, accompanied by the clerk of the hotel and a detective, proceeded to the residence of Mr. Coombs, at itavenswood, L. L., upon the Tuesday following, and found two of the coats in Cunningham's possasion, which were positively identified by Mr. Kaiser as his property.

Mr. Mointyre, the cierk of the hotel, testified that the prisoner came there on Saturday night and registered in its panne as William A. Brown, Cieveland, Onio; and that after he was informed by Mr. Kaiser of the loss of his property he proceeded to his room and found a wash list on the floor signed by Brown, which, on being compared with the algositure on the register, corresponded exactly to it. An overcoat was also found under the bed, which a gentioman who travelled from Bufaio with the prisoner stated looked like the one he wore on the cars. The accused was brought back to New York on the Harlem bont, and during the passage was seen to drop a key under the seat, which the officer picked up. Cunningham, alias Brown, had so weak a memory as to forget to go to the office of the hotel previous to his departure and demand of the cierk, as did Mr. Maatilitin, "the demantion total," and also failed to keep his promise that he would retarn that night.

Officer Freeman, who made the arrest, said that Cunningham was upon the stand and gave a roundabout story of his life, voluntarily stating that he was a volunteer in a New Jersey cavalry regiment, and having served his term in that position enlisted in the regular army; but upon the regiment being ordered to go to Montana he dishiked the idea of serving his country outside the bounds of civilization and deserted the flag. That was the reason he assigned for enlering his name upon the hotel register as Brown. Who asked to explain how he came in possession of Mr. Raiser's coats he said he bought them at a second hand clothing store in Washington street, and path twenty-eligit coluris for them.

Edward Coomba, son of the former employer of Cunningham, test

was remanded for trial upon a charge of grand larceny.

SUSPENSION OF JUDGMENT.

Judge Bedford suspended judgment in two cases, the complainants and other witnesses having clearly satisfied him that the accused-were persons of previous good character and had never been guilty of crime before. His Monor warned them, however, that it the clemency of the Court was abused they would be sent to the State Prison without trial, they having interposed a plea which gives the Judge power to punish them for two years and six months at Sing Sing.

The following is the calendar for to-day!—The People vs. James Gaeland, robbery; Same vs. Peter McGarrick, robbery; Same vs. Christopher Smith, robbery; Same vs. Thomas Murphy and John Farrell, robbery; Same vs. James Christie, burglary; Same vs. Michael Canary, burglary; Same vs. Manrice Golden, burglary; Same vs. James McBride.

Same vs. Michael Canary, burglary; Same vs. Maurice Golden, burglary; Same vs. James McBride, burglary; Same vs. John Gilligan, burglary; Same vs. John Gilligan, burglary; Same vs. Henry McDermott, felonious assault and battery; Same vs. David Cabili, felonious assault and battery; Same vs. Samuel Whitten, grand larceny; Same vs. John Weish, grand larceny; Same vs. John Weish, grand larceny; Same vs. Leander Baker, receiving stolen goods.

COURT OF SPECIAL SESSIONS.

Maternal Pleadings and Youthful Scallawags -Colored Men Fighting with Razors-Boot and Chandon-A "Sherry" Affair.

"The way of transgressors is hard," says Holy Writ, and there could scarcely be a more apposite application of the proverb than might with truthful ness be applied to many of the "gents of the road." nighway robbers, sneak thieves and general "hard nuts" at the Court of Special Sessions yesterday. At ten o'clock Judges Dowling and Shandley occupied the bench, having before them forty-one cases for trial. Among this immense batch of prisoners it was painful to observe the number of youths,

VARYING IN AGR FROM SEVEN TO FIFTEEN TEARS, who had been "run in" for offences, some of which

who had been "ran in" for offences, some of which would strike the mind of the public with a sense of horror if the details of their decas and low cunning, more besitting the condition of THE UNITORED, LAWLESS INDIAN than the children of a Christian race, were published. Indeed, it is almost questionable whether credence would be given to some portions of the outrages and depredations of these infants of crime, although in many cases the evidence is so conclusive as to be painfully convincing to those who hear fine testimony. It happened yesterday, as has frequently been the case before, that their parents came into the court

WERPING AND PENTIENT.

requently been the case before, that their parents came into the court

WENTIG AND PRITIENT.

realizing more intensely the position of their children than the children themselves, and begging, nay, praying for a suspension of sentence in their particular cases, and accompanied these touching appeals with a promise that theneforward they will give their attention to the moral condition of the miscreants, and they will "never let them do it again." There were sixteen cases of this class yesterday morning, and in almost every case the same thrilling and apparently affectionate plea was put forward; the same promises of care and future domestic correction; put, as the Judges remarked, it was a strange fact that out of the number named before them several had previously been let of on the same ground and for the same considerations that were yesterday put forward. "il," said Judge bowing, "a boy is found to be guilty of crime, and oft of pure respect for his parents the sentence is suspended, upon the pismae of the father or mother that they will provide against any such acts in the future, it clearly was beyond the power of the Court to recognize any second application for elemency in judgment, for IF A PARENT CANNOT ATTEND TO HIS OHILD DEN. and allows them a carte blanche, as to the associations they may wish to form, then it was necessary that the State should undertake the tesk of giving the children correction and instruction to render them fit for undertaking nonest and reputable avocations in the world,"

Abother remarkable feature presented is the ter-Cations in the world,"
Another remarkable feature presented is the ter-

MANNER IN WHICH THE COLORED POPULATION

manner in which the colored population and quarrel among themselves. Out of seven cases of assault with felonious intont the instrument employed was the razor, and its application made either to the arms or across the stomach. Every time a bleeding colored man is brought into the courts the razor is almost invariably the implement, either of offence or defence, employed by one, or perhaps both, of the parties concerned.

The first case of any importance was that of Hondora Hennessy against Eilen Curran, two hardlooking.

WHEREY-BLOTCHERD DAUGHTERS OF REIN.

Hondora assured their Honors that she would "spin them a yarn" that would case their "blud to popple like in a seething canidron."

She had been "taking a drop of the craythur" a few nights ago, and entering a house—440 Tuird avenue—she could not resust the temptation of a "nap in the soom." While under the happy delusion of being passed into a state of glorious case, reveiling in that condition between a heavy scupor and a pleasing unconsciousness, Ellen not only picked her pockets, but, "stoit the shoos"—a new pair—from her fees.

"How did you get home?" asked the senior magistrate.

"Yer Honor, I went home
LIKE A DUCK UPON CRUTCHES.
She had taken my new boots and put me on one
boot of an odd pair, and I impthed, I impthed, sir,
until sure all the folks in the city were at my heels."
"Ellen, why did you do this?"
"May it please ye, gentlemen, she pawnod the
shoes off her feet for whiskey, and she was not a
duck at all."
"It seems," said the magistrate, "that you must

shoes off her feet for whiskey, and she was not a duck at all."

"It seems," said the magistrate, "that you must have swam in the same waters. You must take care in future or the application of pententiary diet will be made to bring you to your senses."

Ellen and Hondora both "levelled" at the bench and left the court.

Frederick McCurbey and James Blake, the first a chief mane of a vessel at pier No. 5 East river, the other a boatman, were inducted for Straining a Bucker of wins.

Abraham Freganther, the captain of the ship said that McCurbey had given him an immense deal of trouble; that he was in the habit of "tapping" the stores and carso of the ship to realize money. In the present case he mad handed out the bucket of wine, and told the boatman he must be sure to bring back the empty "bucket."

This MEANT BEINGING MONEY.

Soon after the boat had left the ship, another captain informed Fregauther of what had occurred, and on being chased Blake "dumped" the three gallons of sherry into the river. A long and pliful tale was made to the Court by Blake, and as it was proved it had been given to him by the other he was acquitted, but McCurbey was severely reprimanded, received sentence of six months' imprisonment and a fine of fifty dollars.

COURT CALENDARS-THIS DAY.

SUFREME COURT—GENERAL TREM—Held by Judges Ingraham, Barnard and Cardozo.—Nos. 54, 141, 142, 148, 145, 146, 146, 147, 148, 149, 150, 161, 164, 165, 156, 157, 168, 169, 160, 161, 162, 163, 164, 163, 168, 167, OYER AND TERMINER AND SUFERME COURT—CIRCUIT.—Part 1.—Before Judge Cardozo. No Circuit calendar. Circuit 2—Before Judge Van Brunt.—Nos. 1608, 1474, 1814, 102034, 330, 2450, 1884, 1906, 248, 260, 188, 258, 272, 856, 24, 1752, 367, 20, 28, 30, 3345.

1906, 248, 260, 188, 258, 272, 856, 24, 1752, 357, 26, 28, 30, 353, 535.

SUPREME COURT—CHAMBERS.—Held by Judge Sutherland.—Nos. 45, 47, 77, 50, 88, 50, 98, 182, 182, 144, 148, 149, 152, 170, 171, 173, 174, 176, 180, 187, 182. Call, 200. 144, 148, 149, 162, 170, 171, 173, 174, 176, 180, 187, 182, Call, 200.

SUPERIOR COURT—PART 1.—Before Judge McCuin.—Nos. 97, 307, 1043, 475, 73, 171, 275, 451, 447, 103, 167, 312, 279, 448.

PART 2.—Before Judge Freedman.—Nos. 546, 464, 570, 442, 145, 506, 576, 594, 1172, 594, 512, 384, 504, 550, 322, 318, 322, 183, 414.

COMMON PLEAS—PART 1.—Before Judge Larremore.—Nos. 221, 162, 278, 49, 366, 448, 239, 207, 300, 35, 477, 461, 489, 490, 491.

MARINE COURT—PART 1.—Before Judge Alker.—Nos. 3049, 4543, 4604, 474, 4759, 478, 4759, 4804, 4805, 4803, 4807, 4803, 4809, 4829, 5350.

PART 2.—Before Judge Joachimsen.—Nos. 4614, 4516, 484, 4856, 4871, 4807, 4808, 4809, 4747, 4751, 4810, 4811, 4316, PART 3.—Before Judge Joachimsen.—Nos. 4098, 4778.

RROOKLYN COURTS.

UNITED STATES DISTRICT COURT.

Alleged Whiskey Fraud-Important Decision of Judge Benedict-Conflicting Opinions as to the Construction to be Given to the Stu Before Judge Benedict.

The United States vs, 4,800 Gallons of Spirits,—
This is a proceeding in rem., to foreit certain distilled spirits belonging to Matthew Brady, and seized at his distillery. The case has been tried before the Court without a jury by consent. The distillery used by the claimant, it appears, was formerly a grain distillery, but was surveyed and accepted to be used by Brady, as a molasses distillery. When used as a grain distillery it had a mixing tub placed above the mash tubs, known as the tub "M" n these proceedings, which was connected with the mash tubs by pipes. When the place was surveyed and accepted as a molasses disfillery this tub "M," which from its character and location could be used as a rementing tab, was permitted to remain as it was, but it was not described as a fermenting tub in any place or description. There was also in the yard a clatern or receptacie which could be used as a mixing tub for molasses, and which was connected by hose with tub "M." There was also in the clatern room a hole in the wall through which hose could pass out of the spirit custerns, and also a sert of manhole in the reof through which ingress could be had to attach the hose. The distiliery was therefore so arranged that by using the cistern in the yard as a mixing tub and the tub "M" as a fermenting tub, the capacity of the distillery would be increased beyond the capacity shown on the lan, while any increased production could be removed from the estern by the hose. Moreover, the distillery was permitted to run for some time witiout any night watchman, and the day watchman never informed himself of the condition of the cistern room. These facts have been proved as tending to show that the specific acts and omissions charged against the distiller were accompanied with the intent to defraud, and to conceal from the revenue officers facts required to be stated in his books. They are material only for that purpose, and do to of themselves work a forfeiture of the property in question under any of the courts in this information. But there are claer facts shown, and others offered to be shown, which, it is calamed, do work the forfeiture of the spirits proceeded against. In considering these proofs it will be convenient first to determine the construction to be put by this court upon section 30 of the exet of the spirits proceeded against. In considering these proofs it will be convenient first to determine the construction to be put by this court upon section 30 of the content all spirits owned by him, whether pumshable otherwise or not." But I am unable so to read mash tubs by pipes. When the place was surveyed and accepted as a molasses disfillery this tub "M," where or not." But I am unable so to read the law. As I view this section it manifests an intent to cover, by general provision, those instances in the statute where acts have been enjoined or forbidden, but no punishment attached. I do not find in the section any words indicating an intent to cumulate or to increase panishment; and, in the absence of such words, I am of the opinion that the section must be held to mean what it appears to me to say—that in cases where the statute has attached no punishment to the doing or omitting of acts required or forbiden, such act or omission, when knowingly or wilfully committed, shall be punished by the indiction of the penalty and forfeiture provided by this section. I am aware that different constructions have been given to this section, but to my mind the more weighly reasons are in favor of the construction I have here adopted. (United States vs. A Quantity of Distilled Spirits, Judge Blatchford, Il Internal Revenue, record 3; United States vs. 133 Casks of Spirits, Judge Hoffman, Il Internal Revenue, record 45; United States vs. 133 Casks of Spirits, Judge Hoffman, Il Internal Revenue, record 191; Canled States vs. 9 Barrels of Spirits; Judge Lowell, Il Internal Revenue, record 191; Canled States vs. 9 Barrels of Spirits; Judge Lowell, Il Internal Revenue, record 191; Canled States vs. 9 Barrels of Forniconsideration a large portion of the present information and himits the laquiry as regards the charge that the distilier omitted to furnish to the Assessor an accurate plan or description of the distiliery, showing the number and contents of every mash tub and fermenting tub as required by section 9 of the act of July 20, 1863; and also the charge that the distilier omitted to furnish to the Assessor an accurate plan or description of the distiliery, showing the number and contents of every mash tub and fermenting tub as required by mach on any plan as a fermenting tub. I have carefully considered this evidence, and although I think it clear that tub "M." could be us

lact, ever so used. There may be ground of suspicion that it was at times so used, but I cannot
condemn this property upon suspicion. This portion of the information must, therefore, fall for want
of proof.

Again, it is claimed that this property must be
forfeited because it appears that the fermenting tubs
were not emplied at the expiration of forty-eight
hours after they were filled, that being the formenting period of this distillers as required by section
nineteen of the act of 1888. What should be the
true construction of this portion of section nineteen
is not clear. It would not be unreasonable to held
that the words "every tub shall be empited at the
end of the fermenting period" should be taken
in connection with the words "empited of ripe
mash or beer," used in the first part of the
paragraph, and the provision construed to mean
that mash of beer, when fermented according to
the dispiler's notice, shall be empited at the
end of the fermenting period, if ripe. Such a construction would probably dispose of the charge
under consideration in the present position of the
evidence. But any construction of this provision of
the statute is rendered unnecessary in this case, inassuach as an examination of the information discloses the fact that it contains no averment which
will support the charge in question. The practice
in this district, in cases of proceedings in rem, to
enforce forfeitures arising under the rovenue laws,
has been, in the first instance, to permit
an information to be fised, containing numerous
counts or violations of various statutes, charged,
for the most part, in the words of the statute,
but to require the District Attorney, before the
trial, to file a specification of the counts on which
he latends to rely, accompanied, when necessary,
with a description of the solution of the particular charge which he will be called on to meet.
This practice, which is so analogous to the practice
in certain classes of crimical prosecutions, has
proved convenient and connuctive to justi

entry be made or any entry omitted from the distiller's book, with intent to defraud or ceneal from the R venue officers any fact or particular required to be stated and catered in the books, the distillers, distilling apparatus and the let or tract of land on which it stands, and all personsi property of every kind or description on said premises, used in the business there carried on, shall be forfeited to the United States. And it is insisted that the property in question, being distilled spirits seized on the premises belonging to the distiller, is covered by the words "personal property on the premises." But these words are qualified by the subsequent words "used in the business," and I do not consider that distilled spirits in casks or in the cisterns of a distillery which has produced them can be held to be personal property used in the business there carried on. These are the product of the business and would naturally have been designated specifically if intended to be within the provisions of the act. I have thus disposed of all the counts in this information upon which the government has relied, and the result is the information must be dismissed and the property discharged. A certificate of probable cause for the seizure must be given.

CITY COURT-PART I.

The Action Against Sureties on a Lease.

Before Judgo Tuompson.

Charles A. Coe vs. Patrick Cassidy and John B. rent from the defendants, who were sureties on lease of certain distillery premises in the Fifth ward. The case was reported in the HEMALD yesterday.

During the examination of the first witness for the defence yesterday the proceedings were suddenly stopped by counsel for plaintiff moving to amend the complaint. The motion was granted, and the case went off for the term.

Action to Recover for Personal Injuries. Thomas Ryan vs. James C. Baldwin.-The plain tiff, who is a mason, sues defendant to recover \$2,000 damages for personal injuries. The defendant is a master builder, and employed him, with others, to lay a foundation wail in Fourth street, E. D. One day a small building on adjoining premises suddenly fell, and plaining, as claimed, was so sadly injured that he was unable to do any work for four months. He passed two months in the hospital.

work for four months. He passes the hospital.
The defence is that the plaintiffs injuries were slight, and that the accident occurred through his own negligence while tearing down the building in question. Case on.

CITY COURT-PART 2. A Barroom Fracus. Before Judge Nellson.

James Gibson vs. David Rogers .- On the 28th of June last both parties to this suit were in Madden' barreom, corner of Myrtle avenue and Raymond street. A row occurred there during which plain-alleged the defendant struck him several blows with a bung starter. He, therefore, brought suit to re-cover damages in the sum of \$5,000 for the assault. The jury rendered a verdict in his favor and as-sessed the damages at \$2,630.

NEW YORK CITY.

The following record will show the changes in the temperature for the past twenty-four hours in comparison with the corresponding day of last year, as

John O'Brien, residing at 33 Park street, vesterday morning accidentally shot himself in the body with a revolver, infleting a slight wound.

The aggregate amount of exports (exclusive of specie) from the port of New 1 ork for the week end-ing January 10, 1871, was \$4,774,187.

The first skating carnival takes place at the Empire Skating Rink to-night. The Empire Club, of sixty members, will take part in full costume.

The funeral of Sister Serena Godwin, of St. Bar nabas Home, Mulberry street, took place yesterday afternoon from the chapel of that institution.

At a meeting of the Board of Police Commissioners held yesterday afternoon Sergeant Schultz was transferred from the First to the Twenty-first pre-clust, and Sergeant Tynan from the Twenty-first to

At seven o'clock yesterday morning William Branigan was struck on the head with a crutch by John Burns, during a quarrel, at 53 Warren street, and severely injured. Burns was arrested and locked up in the Third precinct station house.

Coroner Keenan was notified to hold an inquest at the Tombs yesterday on the body of Michael McMahon, who was committed on the 6th inst., on the complaint of his wife, for abandonment. He was suffering from delirium tremens, and died this

It was remarked yesterday that a larger numbe of persons were locked up for drunkenness and disorderly conduct than on any other day of the pre-sent year, most of the parties oring helplessly intoxi-cated. It was said that in extreme heat or cold the result in this respect is always the same.

Thomas O'Conner, a man thirty-five years of age died yesterday in Believue Hospital. Deceased, in attempting to jump from the front platform of car No. 9 of the Broadway Railroad, at Fourteenth street, slipped and fell before the which passed over one of his legs. Coroner Keenan will make an investigation of the case to-day.

John O'Brien, the parcel-stealer, an astute and industrious gentleman, made his third appearance this morning, having been remanded twice for further testimony. The complainants were many, and consisted of the "small fry" who usually carry parcels. The evidence was clear, concise and over-whelming. The prisoner was held for further ex-

The Dry Dock, East Broadway and Battery Ranroad Company held its annual election yesterday, with the following result:—For directors, Thurlow Weed, Charles Johnson, Augustus F. Smith, Charles Curtis, Edwin P. Morgan, Hugh Smith, William Richardson, Charles A. Hothkiss, Erastus C. Benedict, William White, Richard Keily, John T. Conover, Isaac Mehrbach. For inspectors of election, James McKenna, Charles L. Fleming and William S. Wood.

Mr. Waterhouse Hawkins delivered a lecture last evening at the Church of the Heavenly Rest, corner of Fifth avenue and Forty-fifth street, before a very appreciative audience. He demonstrated by various illustrations that life is the cause not the consequence of organization, and that each creature, though it be a mere living stomach having apparently no other function than to eat, has a will, memory and understanding. Mr. Hawkins will lecture again next Tuesday.

The Atlantics and champion Mutuals will play game of base ball on skates to-day at the Capitoline grounds, Brooklyn. Any quantity of fun and some "tall sliding" may be expected. Ferguson, Start, Pike, Pierce, Smith, Zettiein, Hall, Chapman and McDonald will compose the Atlantic mae, while Charlie Mills, Ed. Mills, Swandell, Haaffeld, Patterson, Eggler, Martin, Wolters and Nelson will uphold the reputation of the New Yorkers. The game will be called at two o'clock, sharp.

ley, charged by Fellows & Co., jewellers, of No. 1 Maiden lane, for whom he was bookkeeper last Aumaiden lane, for whom he was bookkeeper last August, with embezzling \$1,000 while in their employ. Day was sent to the Park Bank with a check for \$1,000. He altered the figures to \$2,000, which sum he drew, keeping the extra \$1,000, and rendering an account of the remainder. He left fellows & Co. a couple of days after this clever "little piece of business," and was not found until yesterday, when he was arrested and brought to Jefferson Market Prison, and is now held for examination.

A prolonged and careful cross-examination of witnesses in the \$80,000 bond robbery case was held before Judge Hogan, at the Tombs, yesterday. Mr. before Judge Hogan, at the Tombs, yesterday. Mr. McNeal, the broker, in whose office the defendants were arrested, was subjected to a severe counsel test, but his previous evidence was not shaken. Mr. Bennett, one of the men converned, made a long statement, relating in detail how he became acquainted with Captain Polletier and his connection with him in this business, but beyond this nothing new has been revealed. This examination was again adjourned in order to allow defendants' counsel and opportunity of producing witnesses from Washington. Mr. Bennett's statement will be completed on the next examination.

At the Essex Market Police Court yesterday an examination was held before Justice Ledwith in the case of alleged libel charged against a newspaper case of alleged libel charged against a newspaper called the Lantern by the society known as the Heldise Bund. Mr. John H. Bleing, President of the Bund, was examined at considerable length, but nothing in his testimony was of any special interest. The magnitrate will give his decision in the case in the course of a week. It will be remembered that the Lantern charged the society named with being composed of assassins, beer-suckers, &c., and hence the charge of libel. The Heidise Bund numbers upwards of six thousand members.

The annual meeting of the Yale Alumni Asso ciation was held last evening at Association Hall. pont was called to the chair, the President, William M. Evarts, being unavoidably absent. The officers of the previous year were re-elected unanimously, They are as follows:—President, William M. Evaris; Vice Presidents, S. P. B. Morse, S. B. Ruggies, P. A. P. Barnard, Louis P. Woodrun, Charles-Tracy, William Adams, Joseph P. Varnum, Miton Badger, Jared Lindsley, Benjamin D. Silliman, John Snerwood; Secretary, Luther M. Jones; Tressurer, Edmand D. Stouter, and an executive committee of thirty members. An invitation from the Yale Alumni of Philadelphila to attend a dinner was received and a committee, consisting of Messrs, Tracy, Fields and Morse, was appointed to de the honors, and a resolution of thanks voted by the society.

At the annual meeting of the Bar Association of the city of New York, at No. 20 West Twenty-seventh street, last evening, the following gentlemen were elected to fill the offices set opposite their names for the ensuing year:—William M. Evarts, president; Samuel J. Tilden, James W. Gerard, John Slosson, Edgar S. Van Winkle and William E. Curtis, vice presidents; Albon P. Man, treasurer; William Allen Butler, corresponding secretary; Augustus R. Macdonough, recording secretary; Augustus R. Macdonough, recording secretary; Henry Nicoll, Augustus F. Smith, William C. Barrett, James Emott, Stephen P. Nash, James C. Carrett, John E. Parsons, William G. Cheate, Francis C. Barlow, Henry A. Tuller, E. Randolph Robinson, Wheeler H. Peckham, Albert Mathews, Abraham R. Lawrence, John L. Su heriand, Executive Committee; Henry A. Cram, Charles F. Southmayd, John E. Burrill, Richard B. Bowne, Hooper C. Van Vorst, John C. Dimmick, John M. Knox, Grosvenor P. Lowrey, Chifford A. Hand, Frederick England Weimore, Lover, Charles M. Da Costa, Edmand Weimore, England F. Dunning, Frederick S. Tallmadge, Thomas M. North, Albert Stickney, Edward Mitchell, Committee on Admissions. street, last evening, the following gentlemen were

N W JERSEY LEGISLATURE.

Meeting and Organization of Both Houses-

The Governor's Message.
The ninety-fifth session of the New Jersey Legisla. ture commenced yesterday afternoon at three o'clock. The Senate was organized by the election of Edward Bettle, of Camden, for President; John F. Babcock, of New Brunswick, for Secretary; John W. Newland, of Cumberland, Assistant Secretary; Joseph D. Moon, of Gloucester, Engrossing Clerk,

and E. M. Beasley, of Cape May, Sergeant-at-Arms. In the House Albert P. Condit, of Essex, was elected Speaker; Alexander M. Cumming, of Mercer, Clerk; E. A. Carman, of Hudson, Assistant Clerk; J. Lupton, of Cumberland, Engrossing Clerk; George M. Smith, of Cape May, Doorkeeper, and H. Woodnill, of Gloucester, Keeper of Ladies' Gallery.

GOVERNOR RANDOLPH'S MESSAGE. Governor Randolph, in his me sage, states the receipts of the State of New Jersey as \$631,000; disbursements, \$562,000. Two-thirds of the receipts come from ratiway sources. No State tax is levied on persons or corporations, except those named, for any purpose, save to pay a small amount of the war debt. The war debt is \$2,993,000, with assets in the hand of, sinking fund, \$1,115,605, and assets in general fund, \$1,587,370, combined being sufficient to pay all obligations,

Four-fitths of all the children in the State between

five and eighteen years old are at school. Most of five and eighteen years old are at school. Most of the public schools are free, and all nearly so. The Normal School has become not only self-supporting, but a source of profit to the State.

The Riparian Commission and Yields one-eighth of the revenue of the State and is rapidly increasing. The recent decisions in New York and New Jersey are conclusive as to the State's absolute ownership and control of all lands under the waters of navigable bays and streams.

The State Prison management shows a saving of nearly fifty thousand ber year compared with former years, and the prison will be self-sustaining hereauter.

hereafter.

The Governor claims New Jersey as the seven-teenth among the States. hereafter.

The Governor claims New Jersey as the seventeenth among the Sia'es. She has increased in greater ratio than any State east of Ohle; is more densely populated than any other State sive two pays more taxes preratably to the government than any other State; has larger value per acre to her land, more weath to each inhabitant, as few children being uneducated, and equal railway inclines to any of all the States. The principal recommendations made by the Governor are:—Restriction of power to local authorities, as to taxation, in most cases not asked for or needed, and against the real wishes and true interests of taxpayers; raking the school tax suniciently to render all public schools absolutely free; an appropriation to enlarge the Lunatic Asylum or to construct a new one, the necessity being a pressing one and obligatory; the establishment of a reform school for juvenile female convicts; the adoption of a system of prison management not subject to political control; amendments to election laws by which any person bribing or being bribed shall be distranchised, either party being a competent witness against the other without legal responsibility, and in the case of corporations using money in elections, disfranchiseing their officers in the State, rendering non-resident officers officially incompetent under New Jersey laws, and finally, forfeiture of all the chartered rights of the corporation.

The Governor gives notice of his intention not to sign any bill passed by its fittle nor any private act passed during the two closing days of sessions, and strongly urges the passage of general laws simple in form, convenient and inexpensive in operation—open to all. He deprecates the protective policy that special legislation represents and points to the lobby system as one of its great resulting evils.

Upon pointical matters the Message refers to the adoption of the suffrage amendments and the final settlement or a vexed question, and recommends, inasmuch as the colored people are universally accepted as vo

masmach as the colored people are universally accepted as voters, a full recognition of all their rights under our laws, the omission of anything rendering questionable the asserted superiority of our race. The Governor deems the natural antagonism of the races beyond the reach of human laws to remedy, thinks no substantial political advantage is had or likely to be by the blacks, and, position being denied them by both political parties in the North, the race seems to have passed from the wrongs of siavery to the scridom of perty. He strongly urges amnesty upon the part of the federal government to that large, influential and intelligent body of men, now allons—once American citizens—and states his convictions to be that the result of the existing general depression and dissatisfaction with the conduct of public against will compel the political power succeeding hereafter to recognize the urgent demand for greater economy in the administration of the affairs of the government, the extinction of onerous and lilegal modes of taxation, reform in civil administration by which competency and idelity shall constitute the test and guarantee of economy, and to revise the tariff laws by which the greatest progress toward the principles of free trade can be had compatible with our necessities. The Governor, in conclusion, protests against the enormous grants of land in which the States have so great residuary interests.

POLITICAL INTELLIGENCE.

United States Senators to be Elected.

Massachusetts, Maine, New Jersey, Delaware, Michigan, Minnesota, Illinois, Kansas, Nebraska, Virginia and West Virginia are yet to elect United States Senators to take the place of those whose terms expire on the 4th of March next, and Missouri has to elect one to fill the vacancy caused by the resignation of Mr. Drake. The total number of Senatorial terms expiring the 4th of March is twenty-four; but Messrs. Anthony, of Rhode Island; Cragin, of New Hampshire; Robertson, of South Carolina, and Hamilton, of Texas, have been re-elected, and the following new men have been elected from the States named:—Alcorn, of Mississippit; Cooper, of Tennessee; Goldthwaite, of Alabama; Keiley, of Oregon; Stevenson, of Kentucky; Wright, of Iowa: Clayton, of Arkansas; West, of Louislana, and Vance, of North Carolina. Senator Harlan and Congressman Alisson have entered the field already as rival candidates for election to the United States Senate from Iowa for the term beginning in 1873, when the term of Mr. Harlan expires. The election choice will be made by the Legislature in the session of next winter. The lowa paper's say that the confestants are marshalling their friends for the confestants are marshalling their friends for the confestants are marshalling their friends for the confestants are marshalless. next, and Missouri has to elect one to fill the

More About Cassins M. Clayf.

The Lexington (Ky.) Statesman of the 6th inst. has the following in relation to Cassius M. Clay and his political views, reference to which was made in the

political views, reference to which was made in the Herald yesterday:—

The Hon. C. M. Clay called at this office yesterday and stated that in his speech at Richmond he has abandoned none of his life-long principles, nor will be abandon them until all men, white and black, are equal before the law. He opposes Grant because he does not think he has ever been in sympathy with the republican party. He opposes the introduction of troops into the State, because he thinks that they will only act as irritants, and not help the restoration of peace and order; he told the colored men that when they were placed on an equality before the law, then they could decide on other issues, and their interests would be the same as those among whom they lived. Until they were so placed before the law he would advocate their claims in the future as in the past. He would support only such men for the next Presidency as Greeley, C. F. Adams, Governor Morton and Mr. Chase, who had always been strong on the slavery question, and were now in favor of giving the influence of the government to Cuba, as far as the law of nations would allow, in lavor of abolishing slavery on this Continent and throughout the world. He denies that Grant has ever done so. He thinks that he issues of the war are divided, and that neither party should rely upon them for popular favor now.

Political Notes.

The Nashua (N. H.) Gazette says:-"We believe that to-day, if the vote could be polled, the democratic party could carry this State by 6,000 majority. Colonel A. H. Connor, of Indiana, who has accented the Covernorship of Idaho, is the father of Representative Connor, of Texas. The former is a After seme desultory remarks Mr. Edwards Pierre- radical republican, while the latter is a democrat.

THE BUTCHER CART DODGE.

"Billy the Knuck," an Ex-Convict, Convicted of a Diamond Robbery.

Judge Bedford Sends Him to the State Prison for Five Years-The Judge Makes Some Re-

marks Interesting to the Thieves of this City.

The columns of the HERALD daily contain a clear sort to in perpetrating their depredations upon the community, which reveal the fact that if the intelligence, tact and indomitable energy manifested by burgiars and thieves to possess themselves of other people's property was exercised in the pursuit of an honest calling they would soon amass wealth. New Yorkers are perfectly familiar with that species of robbery known in the parlance of the police as the "butcher cart larceny," and they are equally well aware that so expert are the thieves who make this phase of crime a specialty that they often allude arrest and escape with their booty. It will be gratifying to the citizens of all classes in the community and, indeed, to the entire country, to learn that Judge Bedford disposed of a notorious member of this fraternity yesterday in the General

TRIAL, CONVICTION AND SENTENCE OF WILLIAM HENDERSON—"BILLY THE KNUCK."

The first case called yesterday in General Sessions was that of William Henderson and Richard N. Rice, charged with grand larceny. Mr. William Moir, the first witness called, testified

that he keeps a jewelry store at No. 315 Hudson street; that on the 21st of December, the day before the occurrence which he was about to narrate, Rice and another party (Henderson) came in and looked at a diamond cross, but did not purchase it; that on the 22d, between five and six o'clock in the evening. Rice and Henderson entered the store, and Mr. Weeks, one of the clerks, showed them the diamond cross, and while he was looking at it the door of the store was suddenly opened, a man entered with a yell, snatched the cross from Henderson, ran out, jumped into a light wagon and drove off. According to Mr. Moir, the whole transaction was done in five seconds.

CORROBORATIVE AND ADDITIONAL TESTINONY Abraham H. Weeks, the clerk who waited upon the men, and believing them to be thieves, watched them closely, gave a fuller account of the andactous robbery. Rice handed the cross to Henderson, who examined it and then asked to see some rings; while the cierk was reaching over to receive the cross that instant the deor opened and a third party rushed in and snatched it, Henderson taking care to hold it in such a position as to readily enable his accomplice to get it; Henderson rushed to the door, but was caught by Mr. Weeks, who locked it, and detained Rice and his accomplice until the captain of the police arrived, who in a few minutes appeared upon the scene and recognized Rice and Henderson as "old friends." The prisoner was searched in the station house and skeleton keys were found in his pockets. them closely, gave a fuller account of the audacious

as "old friends." The prisoner was searched in the station house and skeleton keys were found in his pockets.

A PLAUSIBLE STORY was told by Henderson, who said he was, at the time of the occurrence, a barkeeper for Mr. Martin, corner of Eim and Pearl streets; that he was returning from an up-town brewery, and met Rice, was invited thin to look at a diamond cross which he intended to purchase. He acceded to his request and looked at the cross, suggesting that he thought a ring would be more appropriate. He was in the act of returning the cross to the clerk when a man came into the store and snatched it from him, whom he endcavored to pursue, crying "Stop Thief" but was detained by the eleck and proprictor. Upon cross-examination Henderson denied that he had ever been arrested or had ever served a term in the State Prison. His story would have been very plantible had not Captain McDonaid known something of the antecedents of Henderson. The Captain was recalled and informed the jidge and jury that the prisoner had the reputation of a thief, was called "Billy the Kanek," and he had been told by Detective Irving and other members of the force that Henderson served a term in the State Prison a few years ago. He saw Hendersong onto Theodore Allen's place, scorner of Prince and Mercer streets, and therefore interred that his associations were not of the best.

Mr. Suilivan, in his summing up, graphically depicted the manner in which such clev r and rockless men as Henderson and his gang rob jewelry stores and often escape by driving off at a furious rate through the public streefs.

The Charge.

Judge Bedford delivered an impartal charge, and, in conclusion, said that if the jury believed that the prisoner's guilt was established beyond all reasonable doubt, they should protect society by promptly rendering a verdict of guilty. And thus teach ruffians and theves that the authorities would be always supported by respectable and nigh-toned jurors.

GULTY.

The jury adopted the suggestion of his Honor and promptly render

Judge Bedford, in passing sentence, said:—Henderson, you have been convicted of a daring larceny. You are a professional thier and well known to the police. Captain McDonaid tells methat you are known by the name of "Saily the Knock;" that you are an ex-convict, having served a term in the State Prison. The Captain, when he searched you, found in your pockets skeleton keys, only carried and used by professional burgiars. You are a leader of the dangerous classes, and, for the welfare of society, f shail put you out of the way, by confining you in the State Prison at hard labor for the term of five

years.

Rice, who was jointly indicted with Henderson, was remanded till the next term.

MUSIC AND THE DRAMA.

On Monday next Hess & Co.'s English Opera Company commence a six nights' season at the Concordia, Baltimore. They advertise such operas as "Lee Huguenots" and "Fidelio," which they cannot sing, and omit "Rip Van Winkle," the only American opera on the stage, and one in which Mr. Drayton, the finest artist in the company, has made a genuine success. So much for judgment in making up

Lucille Western has been the latest theatrical attraction in Mobile. She plays "Frou Frou" in a

McKean Buchanan introduced "Richelieu" to the people of Richmena on the same night that Booth de his bow in this city. Mrs. Scott-Siddons appeared the same evening as

"The Lady of Lyon's" at Robert's Opera House, The Opelikans, Alabama, are in a state of excitement over Stone & Murray's circus.

This is the last week of Fechter and Miss Leoleron at the Globe, Boston. They will have a complimen-tary benefit on Saturday. On Monday next the new management will be inaugurated with Montgomery. Waliack and Mrs. Scott-Siddons in "Romeo and Juliet."

Wallack and Mrs. Scott-Siddons in "Romeo and Juliet."
Theorer Thomas gave one of his characteristic symphony solrees last night at the Boston Music Hall. The programme comprised Chemithi's "Anacreon" overture, overtures to "Oberon" and "Mueue de Portiol," adaglo from Bestnoven's Ninth Symphony, a string quartet by Haydn and three Strauss selections. Miss Anna Menlir played as Schubert iantasis and Lasz's grand polomaise in Effat. The orchestra will give two concerts in this city in the course of a week or two.

The German opera company, from the Stadt theater, are also in Boston.

The Adelaide Phillips concert troupe, with Levy, the cornet player: Hasler, the bartione, and E. Hogman, pianist, appear this week in Memphis.

Daly's "Under the Gaslight" is to be brought out shortly in Pittsburg.
Mrs. John Drew is playing "The Coquettes" at the Arch, Philadelphia.

At the Opera House, New Orleans, Calabresi's

Mrs. John Drew is playing "The Coquettes" at the Arch, Philadelphia.

At the Opera House, New Orleans, Calebresi's fine company are doing very good business. Naddie, who was the prima dorma formerly of Messrs. Juignet & Drivet's fill-staired season at the French theatre hore, is the star in the Crescent City. It is too bad that while New Orleans supports a regular opera ic company year after year, the metropoins of America, New York, should be left without opera of any kind.

Mr. George W. Hows delivered his new lecture, "Home, Sweet Home, from a somi-serious point of view," at De Garmo's Hall, on Saturday evening, in the presence of a critical and distinguished audience. The lecture treats of the different varieties of the fashiomable boarding house where one of the lodgers makes desperate leve to the landlady, only to find that she is married, and that her ausband, not being fashiomable, is boarded down town. Mr. Hows was frequently interrupted by applause throughout the entire fecture, his embodiment of the different characters introduced by him awakening the heartiest merriment.

The clever young Californian plantsts, the Laemiem Sisters, give a concert at Steinway Hall this evening.

"Jezebel," Boucleault's last play, which is to suo.

evening.

"Jezebel," Boncicault's last play, which is to succeed "Saratoga" at Daly's bondoor theatre, is one of the most powerful dramas over written by the versatile Dion.

The Lake family, of Greene county, New York, furnish the most remarkable cases of longevity on record. There was a family reunion lately, at which the following members of the family were present:

Mary Lake, mother, aged 106; alartha, seventy-four; Elizabeth, seventy-two; Joseph, seventy; Miller, sixty-eight; Henry, sixty-four; Deborah, finy-five. Three members of the family are dead—Hiram, aged sixty-two.